THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No.26383 of 2007

Dated:11.12.2007

Between:

P.Prabhakar Rao, S/o.P.Nagabhushanam.

…Petitioner

and

The Tahsildar,
Gannavaram Mandal, Krishna District,
and another.

…Respondents.

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No.26383 of 2007

ORDER:

In this writ petition the petitioner seeks a declaration by way of mandamus declaring the action of the first respondent in trying to dispossess him from an extent of land admeasuring Ac.1.49 cents in R.S.Nos.247/7 (extent 50 cents), 247/9 (extent 50 cents) and 247/10 (extent 49 cents) of Surampally Village of Gannavaram Mandal in Krishna District as illegal and arbitrary.

It is the case of the petitioner that he has purchased the above said land by registered sale deed dated 29.10.2007 from his earlier owner and possessor, and in spite of the same, the respondents are interfering with his possession without passing any orders of eviction.

When the matter has come up for admission on 10.12.2007 the learned Government Pleader appearing for the respondents was directed to get instructions. Today, the learned Government Pleader

has produced a copy of the eviction orders passed by the Tahsildar, Gannavaram Mandal, dated 27.08.2007, in Rc.No.E.736/2007, for eviction of the vendor of the petitioner from the above said land. The Tahsildar has already passed orders of eviction while exercising powers under the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977.

As much as eviction orders are passed by the competent authority prior to the claim of purchase by the petitioner, the petitioner cannot derive any title based on the registered sale deed. In any event, as against the orders of the primary authority i.e., the Tahsildar, Gannavaram, there is a remedy of appeal under Section 4A of the Act.

In that view of the matter, I dispose of the writ petition permitting the petitioner to prefer an appeal against the orders of Tahsildar dated 27.08.2007 and 07.08.2007 before the competent authority within a period of six weeks from the date of receipt of a copy of this order. If such appeal is filed within the time referred to above, the appellate authority shall entertain the appeal without reference to limitation, and dispose of the appeal on merits. Further, the respondents are directed to maintain *status quo* with regard to possession as on today for a period of six weeks and it is open to the petitioner to seek appropriate interim orders from the appellate authority.

Subject to the above directions, this Writ Petition is disposed of. There shall be no order as to costs.

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(R.SUBHASH REDDY, J)

11.12.2007
vs